

July 6, 2005

Mr. Charles Kaczmarski
Hammonton Rescue Squad
300 S Egg Harbor Rd
Hammonton, New Jersey 08037

Re: Notice of Proposed Assessment of Penalty: Specialty Care Transport Service
Investigation Control # 05-A-049

Dear Mr. Kaczmarski:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which govern the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits a health care provider, once approved, to develop and maintain a specialty care transport program and to provide advanced life support services utilizing licensed physicians, registered nurses trained in advanced life support and certified emergency medical technician-basics and paramedics. In furtherance of this statutory scheme, the Department of Health and Senior Services has adopted regulations that govern the administration and operation of these specialty care transport programs. See N.J.A.C. 8:41-1.1, et seq.

On July 1, 2005 at approximately 12:30 p.m., staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unannounced inspection of Hammonton Rescue Squad SCTU vehicle # A-99, New Jersey License Plate NF17710. This inspection occurred as the crew was exiting Cooper Medical Center, Camden, New Jersey, at the completion of a specialty care transport. The inspection revealed the following deficiencies:

Crewmembers provided certification cards as required pursuant to the regulations. It was noted that the registered nurse crewmember was in possession of an expired Advanced Cardiac Life Support (ACLS) provider card. The nurse could not produce a valid card. Further examination of the vehicle and equipment revealed no Doppler-type instrument. The ventilator was found unsecured on the floor and expired Intravenous (IV) catheters were found in the treatment bag.

Based on the above findings, Hammonton Rescue Squad was found to be in violation of the following regulations:

N.J.A.C. 8:41-10.8(d) states that, "No provider shall allow a registered nurse to serve on any of its SCTUs unless that person has:

2. Certification in CPR and ACLS."

N.J.A.C. 8:41-10.9(a) states that "In addition to the equipment and supplies required at N.J.A.C. 8:41- 3.4, when "in-service," each SCTU shall be equipped with the following:

1. A Doppler-type instrument."

N.J.A.C. 8:41-6.3(g) states that "No vehicle shall carry any medication, solution, supplies or equipment beyond the sterility or expiration date printed or affixed to the item by the manufacturer or processor."

N.J.A.C. 8:41-4.1(a) states that "The interior of the vehicle shall be designed for the safety of patients and crewmembers and the patient compartment shall have the following safety features:

7. All equipment and supplies carried on the vehicle shall be stored in a crashworthy manner (that is, they shall remain firmly in place and shall not present a hazard to any vehicle occupant in the event of an accident or sudden change in vehicle speed or direction). There shall be sufficient cabinets and other storage spaces within the vehicle so as to meet this requirement. Crashworthy retention systems shall not incorporate rubber straps, "shock cords" or Velcro® type closures."

N.J.A.C. 8:41-12.3(c), states that, "Violation of any portion of this chapter by a provider may be cause for action against the provider, including, but not limited to, a formal written warning, monetary penalty, suspension, revocation, placing the provider's vehicles in Department-Initiated-Out-of-Service (DIOOS) status, placing of conditions for continued operation by the provider, refusal to issue or renew a license, the reassignment of medical command and/or any combination thereof.

Therefore, in accordance with N.J.A.C. 8:41-12.3(c) and N.J.S.A. 26:2K-15, Hammonton Rescue Squad is hereby assessed a penalty in the amount of \$200 for each violation of N.J.A.C. 8:41-10.8(d)2, N.J.A.C. 8:41-10.9(a)1, and N.J.A.C. 8:41-6.3(g)." for a total of \$600. Furthermore, in accordance with N.J.A.C. 8:41-12.3(c) you are hereby issued a formal warning for the violation of N.J.A.C. 8:41-4.1(7).

A certified check or money order in the amount of \$600, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this notice. In accordance with N.J.S.A. 26:2K-15, failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.). Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, New Jersey 08625-0360
Attn: Ms. Karen Halupke

Pursuant to N.J.A.C. 8:41-12.4, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the violation noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Please include the control # 05-A-049 on any correspondence sent to the Department. **Finally, please note that failure to submit a request for a hearing within 30 days of this notice shall render this notice final, and the entire \$600 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart at (609) 633-7777.

Sincerely,

Karen Halupke, R.N., M.Ed.
Director, Emergency Medical Services

c: David Gruber, Assistant Commissioner
Samuel Stewart, Esq., OEMS
Charles McSweeney, OEMS
Jim Baca, OEMS
Michele Stark, OL&RA

SENT VIA REGULAR US MAIL AND
CERTIFIED MAIL # 7002 2410 0003 3470 6085
RETURN RECEIPT REQUESTED